HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 426 of 2007

Between:

Ujwal Singh & others

... Petitioners

And

Government of India, rep. By its Under Secretary,
Ministry of Supply & Rehabilitation,
Department of Rehabilitation Division,
New Delhi & others

... Respondents

:: O R D E R ::

Counsel for the petitioners : Shri S. Satyanarayana Prasad
Senior Advocate assisted by
Kum C. Sindhu Kumari

Counsel for respondent
Nos. 1 and 2 : Shri A. Rajashekar Reddy

Counsel for respondent : Shri C.V.Mohan Reddy,
Nos. 5,6,8,9 to 12 Advocate General assisted by
Shri A. Satya Prasad, Special
Government Pleader

July 25, 2007

Per G.S. Singhvi, CJ

In this petition, the petitioners have made the following substantive prayer:

> " It is, therefore, just and essential that this Hon'ble Court may be pleased to issue Writ of Mandamus, or any other appropriate Writ or order or direction declaring:

(a) that the allotment order dated 26.02.2003 bearing No.S/HB2/343 of the Settlement Commissioner and the Chief Commissioner of Land Administration (respondent No.5), the Sanad bearing No.SEP.3/19/2001 dated 26th February, 2003 issued by the Settlement Commissioner and the Chief Commissioner of Land Administration, Hyderabad (respondent No.6) as accepted and confirmed by the Secretary, Revenue Department, Government of Andhra Pradesh, Hyderabad (respondent No.6), by his order dated 28.06.2006 bearing proceedings No.35847/J.A.1/2003-24 as arbitrary, illegal and as ultra vires the respondent No.5 and as vitiated by non-observance of the principles of natural justice, and as unjust, arbitrary and illegal.

(b) that the action of Government of Andhra Pradesh, respondents 8 to 12 and the concerned authorities in not implementing the proceedings of the Government of India dated 6.5.1994 bearing No.RSC (B) Land/BOM/32468-79/64 and in not regularizing the possession of the predecessors-in-title of the petitioners in possession of the land in question as arbitrary, illegal and as unjust, and issue a consequential direction directing the respondents not to entertain any claim by and on behalf of respondent No.7 or from any person claiming through him for allotment of any land in their favour as compensation due to displaced persons from out of the lands in question and further direct the Government of Andhra Pradesh, to take steps, forthwith, to implement the proceedings of the Government of India, dated 6.5.1994 bearing No. RSC(B) Land/BOM/32468-79/64 to regularize the possession of all those in possession as successors to pre-partition tenants and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Shri S. S. Prasad, learned Senior Counsel appearing for the petitioners says that he has been instructed to withdraw the writ petition, at this stage, with liberty to file fresh petition, if any such contingency arises in future.

Learned counsel for the respondents say that they do not have any objection.

Hence, the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 25, 2007
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